

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN A. VALENTINE,

Defendant.

**8:18CR102**

**ORDER**

This matter is before the Court on the defendant's motion ([Filing No. 134](#)) requesting certified copies of the indictment, "sworn affidavit," and criminal complaint pursuant to 28 U.S.C. § 2249. The defendant seeks free copies of such documents to prosecute another petition under 28 U.S.C. § 2255. See 28 U.S.C. § 2250 ("If on any application for a writ of habeas corpus an order has been made permitting the petitioner to prosecute the application in forma pauperis, the clerk of any court of the United States shall furnish to the petitioner without cost certified copies of such documents or parts of the record on file in his office as may be required by order of the judge before whom the application is pending.").

Defendant timely filed a motion to vacate his sentence under § 2255 on June 13, 2019, for ineffective assistance of counsel. ([Filing No. 47](#)). The court appointed counsel for Defendant and scheduled an evidentiary hearing on the issue of whether Defendant had directed his sentencing counsel to file a notice of appeal. (Filing Nos. 104-108, 115, 117). Prior to the scheduled evidentiary hearing, Defendant's appointed counsel filed a motion to dismiss Defendant's § 2255 motion, with prejudice. ([Filing No. 128](#)). On May 12, 2021, the court granted Defendant's motion and dismissed his § 2255 motion, with prejudice. ([Filing No. 129](#)).

On August 24, 2021, Defendant filed a Motion for Leave to Amend ([Filing No. 131](#)), seeking to amend his motion under § 2255 ([Filing No. 47](#)). The court denied Defendant's request to amend because it had dismissed his § 2255 motion with prejudice and because the court previously denied a nearly identical motion to amend filed by Defendant. ([Filing No. 132](#)). Other than this motion for copies, the defendant has no motions or cases pending before this court, and the defendant makes no showing as to why he needs these documents. The defendant does not have the right to receive copies of documents without payment, even if he has leave to proceed in

forma pauperis. See 28 U.S.C. § 1915. Therefore, at this time, the court is not inclined to order copies of documents at the government's expense. Accordingly,

**IT IS ORDERED:** The defendant's motion ([Filing No. 134](#)) is denied.

Dated this 30<sup>th</sup> day of November, 2021.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge